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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,130	11/13/2003	Joel S. Levinson		9939

7590 11/24/2004  
Joel S. Levinson  
2919 W. Kristal Way  
Phoenix, AZ 85027

EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,130

Applicant(s)

LEVINSON, JOEL S.

Examiner

Dolores R. Collins

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitriu (280) in view of Pilette et al. (283).

Dimitriu discloses a Maze Board Game

#### Regarding claim 1

Dimitriu teaches a game comprising marker pieces (24) exclusive to each player (col. 1, lines 42-44), and maze pieces (14) with gate means or barriers (see col. 2, lines 54-56) that are used to create a maze configuration (see col. 3, lines 22-28). Although Dimitriu teaches that his game lends it self to a variety of playing situations, and rules of marker movement which are established at the beginning of game play (see col.3, lines 42-44), he fails to explicitly teach the use of a random selection means or a chance device.

Pilette et al. discloses a Maze Type Game Board With Alternately Colored Spaces. Pilette teaches that movement of his playing piece is determined by a spinner or dice, i.e. a random selection or chance device (see col. 3, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a chance device with the game of Dimitriu as a means for arbitrarily determining game piece movement during game play.

Regarding claim 2

Dimitriu fails to explicitly teach the use of a random selection means or a chance device.

Pilette et al. discloses a Maze Type Game Board With Alternately Colored Spaces. Pilette teaches that a dice could determine movement of his playing piece, which is multi-sided (see col. 3, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a chance device with the game of Dimitriu as a means for arbitrarily determining game piece movement during game play.

Regarding claim 3

Dimitriu fails to explicitly teach the use of a random selection means or a chance device.

Pilette et al. discloses a Maze Type Game Board With Alternately Colored Spaces. Pilette teaches that movement of his playing piece could be

determined by a spinner or dice, or any other means for determining an arbitrary number (see col. 3, lines 57-61). Such means may be in electronic form. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a chance device, in the form of an electronic selection means, with the game of Dimitriu as a means for accurately determining game piece movement during game play.

Regarding claims 4 & 6

Dimitriu fails to explicitly teach the use of a random selection means or a chance device.

Pilette et al. discloses a Maze Type Game Board With Alternately Colored Spaces. Pilette teaches that movement of his playing piece could be determined by a dice, which is multi-sided with indicia markings (visual indicators), in the form of a series of numbers, on each side (see col. 3, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a chance device with the game of Dimitriu as a means for arbitrarily determining game piece movement during game play.

Regarding claim 5

Dimitriu teaches maze pieces (tile pieces) that are stackable by players to establish various designs (col. 2, lines 35-38 and col. 3, lines 22-41).

Regarding claim 7

Dimitriu teaches maze pieces (14) that are square (see figure 5) with grooves, gate means or barriers (see col. 2, lines 54-56) that are used to create a maze configuration (see col. 3, lines 22-28). Dimitriu further teaches that his maze pieces (tile pieces) are stackable by players to establish various designs (col. 2, lines 35-38 and col. 3, lines 22-41).

Regarding claims 8 & 9

Dimitriu teaches a support board/game board (see figure 2) with aligned rows and capable of receiving tile pieces.

Regarding claim 11

Dimitriu teaches that various changes, adaptations and modifications may be made without departing from the spirit of the invention (see col. 4, lines 6-10). Inherent in this teaching is the adaptation of Dimitriu's game for various electronic media.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitriu (280) in view of Pilette et al. (283) as applied to claim 1 and further in view of Wood (777).

Regarding claim 10

Neither Dimitriu nor Pilette, alone or in combination, teach game tables that are rotatable. Wood discloses a Board Game. Wood teaches that his Board Game is capable of being rotated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the game board of Dimitriu to include a rotatable spindle as taught by Wood to facilitate easy access for the players.


### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is (703) 308-8352. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Greg Vidovich** can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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11/19/04

  
RAEANN GORDEN  
PRIMARY EXAMINER